

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 15, 2000**

A. ROLL CALL

The Regular City Council meeting of November 15, 2000 was called to order by Mayor Mann at 7:00 p.m.

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mayor Mann

Absent: None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Jeannie Cory, representative of the Baha'i.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-3 (a) Verne Person with the Lodi Fire Department informed the City Council about the "Walk to Cure Diabetes", which took place on August 27 for the purpose of raising funds for the Juvenile Diabetes Foundation. This was the first year that the City has organized a team, which was successful in raising \$2,700 toward finding a cure for diabetes.

D-3 (b) Ashleigh Kruger with the Greater Lodi Area Youth Commission acknowledged Teen of the Month Elizabeth Orozco from Lodi High School and accepted the award on her behalf.

D-3 (c) Christine Weid with Central Valley Waste Services announced that the 7<sup>th</sup> Annual Coats and Cans at the Curb program will be held December 5 – 8. They will be collecting coats, blankets, and canned goods to go to local charities. Guild Cleaners has volunteered to clean all the coats and blankets. Ms. Weid reported that last year they collected 1,087 coats, 149 blankets, and 1 ton of canned goods.

D-3 (d) Dennis Lewis reported on the 12<sup>th</sup> Annual Lodi Adopt-A-Child Wish for Christmas program. Last year 975 children participated in this program and nearly 200 received new bicycles. This year there are 1,561 children on the foundation's list. Names of disadvantaged children are received from police, school, churches, and the Lodi Unified School District Child Welfare and Attendance Office. "Angel tags" listing the child's first name, gender, age, clothing item desired, and special wish are available at the foundation's office at 23 W. Pine Street, Lodi, from 10:00 a.m. to 10:00 p.m. The deadline to deliver gifts to the foundation is December 10.

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E. CONSENT CALENDAR

Council Member Land made a motion to approve the Consent Calendar with the exception of item E-11.

Council Member Hitchcock expressed concern at the length of the agenda and suggested that half of it be continued to another date.

City Manager Flynn commented that staff was able to respond to all Council Members questions, with the exception of Council Member Hitchcock who had indicated that she did not have time to formulate her questions prior to the meeting. He explained that a Consent Calendar is for the purpose of conducting City business that is routine and is not expected to require discussion. Due to the difficulty for staff in determining what should be on the Consent Calendar, a Shirtsleeve Session has been scheduled for later this month to discuss the issue.

Mayor Pro Tempore Nakanishi reported that he spent 1 – 2 hours reviewing the agenda packet. He agreed to continue the items to a meeting in two weeks if necessary.

Council Member Hitchcock interpreted Mr. Flynn's comments as an attempt to end discussion on items. Ms. Hitchcock stated that she spent 10 hours reviewing the agenda packet and could not afford to take time away from her work responsibilities today to review her questions with staff. She voiced disapproval over the practice of holding off items from the Council agenda prior to the election. She asked that items 7, 8, 13, 15, 17, 18, 23, and 24 be removed from the Consent Calendar.

Council Member Pennino reported that his questions on 10 out of 26 of the Consent Calendar items were answered by staff prior to the meeting. He noted that during his 10 years on the City Council, all Council Members have communicated with staff during the week with the exception of Council Member Davenport.

Council Member Land then amended his motion, Pennino second, in accordance with the report and recommendation of the City Manager, to approve the following items hereinafter set forth ***except those otherwise noted:***

- E-1 Claims were approved in the amount of \$6,654,462.34.
- E-2 The minutes of October 24, 2000 (Shirtsleeve Session), October 24, 2000 (Special Meeting), October 31, 2000 (Shirtsleeve Session), November 1, 2000 (Regular Meeting) and November 7, 2000 (Shirtsleeve Session) were approved as written.
- E-3 Received the report of the sale of surplus equipment in the amount of \$17,842.
- E-4 Accepted the Quarterly Investment Account Disclosure report of the City of Lodi pooled money as required by SB564.
- E-5 Adopted Resolution No. 2000-192 waiving the formal bidding process and authorizing the purchase and installation of a vehicle exhaust extraction systems for Fire Station 1, from Neu-Tech, of Loomis, in the amount of \$35,864.57.
- E-6 Adopted Resolution No. 2000-193 awarding the contract for the rental and cleaning of uniforms for certain field and warehouse employees to Unifirst Corporation, of Stockton, in the amount of approximately \$20,000 per year.
- E-7 "Adopt resolution awarding the contract for Legion Park and Lawrence Park Tree Trimming to Grover Landscape Services, Inc. (\$40,210); and appropriate \$52,900 for the project" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-8 "Adopt resolution awarding the contract for the Elm Street Parking Lot Project, 11, 15 and 17 West Elm Street, to A.M. Stephens Construction Company, Inc. (\$133,080)" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-9 Adopted Resolution No. 2000-194 awarding the contract for White Slough Water Pollution Control Facility Adjustable Frequency Drive Replacements to Rexel-NorCal Valley Electrical Supplies, of Stockton, in the amount of \$67,332, and authorized the use of Public Benefit funds for 25% of the project cost.
- E-10 Adopted Resolution No. 2000-195 awarding the contract for the Lodi Library Computer Room Remodel, 201 West Locust Street, to D.S. Clark, of Lodi, in the amount of \$18,700; and appropriated funds in accordance with staff recommendation.
- E-11 "Adopt resolution awarding the contract for cellular phone services to Verizon Wireless (\$2,300)" was ***pulled from the agenda pursuant to staff's request.***

- E-12 Authorized staff to proceed with formal Request for Proposals (RFP) for a two-year contract for radio maintenance service and repair for all backbone, emergency and non-emergency radio equipment (does not include the replacement of batteries and antennas), and that the bidder's list be restricted to Motorola factory-authorized service companies.
- E-13 "Accept improvements under contract for Well 26 Well Drilling, 1020 Bridgetowne Drive" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-14 Accepted the improvements under the "Guild Avenue Street Construction and Street Overlay, Industrial Way to Pine Street, and Thurman Street Street Construction, 300 Feet West of Guild Avenue to Guild Avenue" contract and received Contract Change Order information.
- E-15 "Adopt resolution authorizing the City Manager to execute the revised agreement between the City of Lodi and the County of San Joaquin, acting on behalf of the Sunnyside Water and Street Lighting Maintenance District, for water service outside the City limits" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-16 Authorized the City Manager to execute a joint-use agreement with Lodi Unified School District (LUSD), and a design services agreement with Booker Gery Hickman Architects, for a bus wash facility at 820 South Cluff Avenue in an amount not to exceed \$45,000.
- E-17 "Authorize the City Manager to fund request from North San Joaquin Water Conservation District (NSJWCD) for water rights activities (\$21,000)" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-18 "Authorize City Manager to execute an agreement with WhyteHouse Productions for the Lodi New Year's Night 2000 (\$15,000)" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-19 Adopted Resolution No. 2000-196 authorizing the City Manager to execute Contract No. 00-SNR-00241: Advancement of Funds Contract for Central Valley Project Purchase Power and Wheeling Among the United States Department of Energy Western Area Power Administration and Certain Central Valley Project Firm Electric Service Contractors.
- E-20 Adopted Resolution No. 2000-197 approving a Public Benefits Program grant in the amount of \$6,185.73 for the new Jack In The Box restaurant, located at 2449 W. Kettleman Lane, for a demand-side management project.
- E-21 Adopted Resolution No. 2000-198 amending the existing City of Lodi Small Business Energy Services Partnership Program, to extend this program through the calendar year 2001, or until appropriated funds are exhausted, and to eliminate one existing element of the program as of January 1, 2001.
- E-22 Adopted Resolution No. 2000-199 authorizing the Lodi Police Department to participate in an Office of Traffic Safety grant for an automated Collision Records and Analysis System.
- E-23 "Authorization for Lodi Police to participate in a Traffic Safety Initiative Grant" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***
- E-24 "Introduce ordinance amending Title 10 – Vehicles and Traffic, by repealing and reenacting Section 10.52.050(B), 'Parking Restrictions', to the Lodi Municipal Code relating to truck parking in the City limits" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***

- E-25 Adopted Resolution No. 2000-200 approving the year 2000 amendments to the list of boards, commissions and City employees and officers subject to Conflict of Interest reporting requirements.
  - E-26 Set Public Hearing for December 20, 2000 to consider and approve the reallocation of Community Development Block Grant (CDBG) funds approved under the 2000/01 program year.
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F. PUBLIC HEARINGS

- F-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt the 2000 Growth Management Allocations.

Community Development Director Bartlam reported that this is the annual public hearing to allocate residential building permits for the year. The City allocates allocations based on a maximum 2% growth in population every year. This year there are 428 permits to allocate across the three density categories. There are no requests in the medium- or high-density categories this year. Mr. Bartlam described the two single-family projects, which total 103 lots. All of the properties surrounding the parcels have been previously allocated. The Planning Commission held a public hearing to consider the development plans and are now requesting that Council approve the allocations as submitted.

In response to Council Member Pennino, Mr. Bartlam stated that the backlog of allocations can be expired by Council action. Council Member Pennino requested that this be brought back for Council consideration.

In reply to Council Member Hitchcock, Public Works Director Prima explained that eight impact fees are collected in two steps. Water, Sewer, Drainage, and Street impact fees are collected when the final map is approved. Police, Fire, Parks and Recreation, and General City Facilities fees are due prior to acceptance of the subdivision. The amount is based on the fee in effect at the time the final map is filed. Development impact fees were last updated in 1993-94.

Council Member Hitchcock stated that the development fees need to be updated, as they are inadequate in terms of what it costs today to build facilities and purchase land.

Mr. Prima reported that staff is currently working on updating the development fees. Completion is anticipated after the first of the year. A draft will be sent to the development community and City Council.

Council Member Hitchcock explained that she will vote against this item because the City is not collecting sufficient impact fees to provide the kind of amenities that are indicated in the General Plan. She noted that some League of California Cities attorneys feel that cities can reject new developments if they cannot pass school bonds for the financing of new schools.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam explained that Proposition 1A in 1998 stated that the payment of fees to school districts is full mitigation of school impacts. The State set the maximum amount of fees that can be paid per square foot for a housing unit. Schools cannot charge more than the designated State amount.

In reply to Council Member Land, Mr. Bartlam reported that permits are not issued until they receive a certificate from the school district indicating the fees have been paid. The City does not collect the fees for the school district.

Council Member Hitchcock explained that the State does set a maximum that school districts can charge, but it is not meant to cover all costs. Additional funds are supposed to come from the community. Proposition 1A did state that cities cannot deny development based upon schools unless they deplete Proposition 1A dollars. Ms. Hitchcock warned that that could occur in the near future. She commented that Tracy's Planning Director said they would not build homes if school bonds were not passed.

City Attorney Hays pointed out that the appropriate time to make a decision not to build homes is at the time land is subdivided to make lots. In the matter now under consideration by the Council, the City has already approved the lots. He warned that to not appropriately allocate the building permits for these lots puts the City in a difficult situation with regard to whether or not there is a taking circumstance with regard to the lots.

Council Member Pennino felt that Tracy was a poor example to emulate, as they charge \$25,000 in fees, plus Mello Roos, and their median home price is \$279,000.

HEARING OPENED TO THE PUBLIC:

- a) Steve Pechin, 323 W. Elm Street, Lodi, spoke on behalf of the applicants for the two projects. He stated that they have been in agreement with the conditions set forth by the Planning Commission for the development project and are anxious to proceed. In reference to Council Member Hitchcock's concern, he pointed out that over the last 10 years nearly all the money the school district has collected has come from developers. From this money, school districts have been able to purchase school sites.

PUBLIC PORTION OF HEARING CLOSED

MOTION:

Council Member Pennino made a motion, Land second, to adopt Resolution No. 2000-201 entitled, "A Resolution Of The Lodi City Council Approving The 2000 Growth Management Allocations".

DISCUSSION:

Mayor Pro Tempore Nakanishi voiced support for approving the allocations, noting that it falls within the City's 2% growth rate. There are 834 single-family allocations available, and this project is for 103.

Council Member Hitchcock clarified that she was not suggesting that all schools be paid for solely by developers; however, she felt that new housing should be stopped until there are an adequate number of schools built for children.

Mayor Mann explained that developers do not pay impact fees, they collect them from people who buy homes. There has been concern expressed that Lodi needs more affordable housing. If impact fees are increased, home prices will be that much further out of reach of the everyday homebuyer. He disapproved of the suggestion that the City should get involved with school district impact fees, noting that they have a School Board for that purpose.

Council Member Pennino calculated that for a 2,000 square foot home, \$6,000 in school impact fees is charged. If all of the 2,906 units since 1989 were built, the developers would have paid the School District \$17,000,436.

Mayor Pro Tempore Nakanishi pointed out that in some cities impact fees are \$9 per square foot, which makes it much easier for them to build schools.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mayor Mann

Noes: Council Members – Hitchcock

Absent: Council Members – None

- F-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to confirm the 2001 Annual Report for the Downtown Lodi Business Improvement Area (BIA) No. 1 and levying assessment.

Economic Development Coordinator Goehring reported that Downtown Business Improvement Area 1 was formed in December 1997 for the purpose of unifying all downtown businesses to work toward a common goal – that of sustaining an economically revitalized downtown business area. The district was set up according to a business-based formula in compliance with the California Streets and Highway Code. Under provisions of the Code, specifically Section 36535, the district is mandated to conduct an annual public hearing for the purpose of: 1) confirming the business improvement area annual report; and 2) the levy of assessments proposed for the forthcoming calendar year. The purpose of tonight's meetings is to: 1) allow the appropriate protests to be heard; 2) confirm the Downtown Lodi Business Partnership (DLBP) 2001 annual report; and 3) levy the proposed fees. The fees are applied according to a business operator formula and vary according to business type and the zone in which the business is located. This is not a property-based assessment. The fees are then used to carry out the various functions of the DLBP as outlined in the annual report. In general, they include downtown promotional and enhancement activities as well as other operations and maintenance needs.

HEARING OPENED TO THE PUBLIC:

No protests were received.

PUBLIC PORTION OF HEARING CLOSED

In response to Council Member Hitchcock, Lew VanBuskirk, Executive Director of the DLBP, reported that the areas have not changed since the formation of the DLBP. There are two areas designated: Zone A is the core area; and Zone B is the perimeter.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2000-202 entitled, "A Resolution Of The City Council Of The City Of Lodi Confirming The 2001 Annual Report For The Downtown Lodi Business Improvement Area (BIA) No. 1 And Levy Of Assessment".

- F-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider the technical equipment purchase proposal for Local Law Enforcement Block Grant Program.

Captain Mauch announced that the Lodi Police Department was awarded a grant from the Local Law Enforcement Block Grant Program in the amount of \$88,254 for the purpose of purchasing technical equipment and other material directly related to basic law enforcement functions. The Department plans to acquire a mobile command center and use the majority of grant money to equip the vehicle with computers, video surveillance equipment, radios, mobile data computers, telephone equipment, and other related equipment. Equipment cost is estimated at \$68,000. The Department also plans to enhance security measures in and around Lodi and Tokay High Schools by providing

School Resource Officers with the latest technology, allowing them direct access to all the resources at the Lodi Police Department and other State and Federal agencies. They will also be able to send and receive e-mail and write their reports, which will be sent directly to the Department's records management system. The estimated cost for hardware and software is \$15,400. Annual wide area network maintenance is estimated at \$5,400, which includes: \$45 per site for a total of \$90 per month, and a T-1 communication line at \$180 per site for a total of \$360 per month. Captain Mauch stated that the Department intends to absorb these costs in future years.

Mayor Pro Tempore Nakanishi voiced support of this item, as it will enhance safety at the high schools.

HEARING OPENED TO THE PUBLIC:

None.

PUBLIC PORTION OF HEARING CLOSED

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Nakanishi, Hitchcock second, unanimously adopted Resolution No. 2000-203 entitled, "A Resolution Of The Lodi City Council Approving The Technical Equipment Purchase Proposal For Local Law Enforcement Block Grant Program".

G. COMMUNICATIONS

G-1 Claims filed against the City of Lodi – None

G-2 Alcoholic Beverage Control License Applications – None

G-3 The following report was presented to the City Council:

a) Planning Commission report of October 25, 2000

G-4 The following postings/appointments were made:

a) The City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously made the following appointments:

Lodi Arts Commission

Cynthia Inman Term to expire July 1, 2002

East Side Improvement Committee

Sandra Alderson Term to expire March 1, 2004

G-5 Miscellaneous – None

H. REGULAR CALENDAR

H-1 "Adopt resolutions accepting a Bicycle Motocross BMX Facility Development Grant in the amount of \$5,250 from the National Recreation and Parks Association (NRPA) and direct staff to draft an agreement with Oak Creek BMX Organization for the construction and operation of a BMX facility at the Century Boulevard extension"

Interim Parks and Recreation Director Harrison reminded the Council that this project was originally discussed one year ago. He introduced Lisa Rudloff, Recreation Supervisor, who was instrumental in obtaining the grant for the City. Tonight's action is the first step in the project. The BMX facility operator must obtain a use permit through the Planning Commission. That process will include a public hearing to allow affected property owners and citizens an opportunity to express their concerns.

Council Member Pennino asked that staff ensure citizens are notified of the hours of operation and other related details prior to the public hearing.

In response to Council Member Hitchcock, Mr. Harrison explained that the American Bicycle Association requires the operators to be fully insured.

Community Development Director Bartlam noted that an environmental document will be prepared as part of the use permit process.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Nakanishi second, unanimously adopted the following resolutions:

- Resolution No. 2000-209 entitled, "A Resolution Of The Lodi City Council Accepting A Bicycle Motocross BMX Facility Development Grant From The National Recreation And Parks Association (NRPA)"; and
- Resolution No. 2000-210 entitled, "A Resolution Of The Lodi City Council Authorizing Staff To Draft An Agreement With Oak Creek BMX Organization For The Construction And Operation Of A BMX Facility At The Century Boulevard Extension, And Further Authorizing And Directing The City Manager To Execute Said Agreement".

H-2 "Presentation on the Central Valley Energy Facility (LM6000)"

NOTE: Due to a potential conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.

Electric Utility Director Vallow introduced Mike McDonald, a representative from Enron, and Jack Sovern, Assistant General Manager of Northern California Power Agency (NCPA).

Jack Sovern stated that the existing STIG Plant at White Slough is owned by the cities of Lodi, Lompoc, Alameda, and Roseville. It was originally built with the concept that there would be expansion in the future. Negotiations are currently underway with Enron for a 45-megawatt plant. The 30-day notice will conclude on November 28. A public workshop will be held at the Carnegie Forum on November 20 from 4:00 to 7:00 p.m. Notices were sent to over 90 people and agencies effected in the area of the proposed plant.

In response to Council Member Hitchcock, Mr. Sovern reported that since the early 1980s, power plants have operated only on natural gas. Currently there is a high demand on gas and an insufficient supply, which has increased the price. He did not anticipate the price decreasing for the next several years.

In the interest of time, Mayor Mann suggested continuing this item to a Shirtsleeve Session; Council concurred.

H-3 "Request to hire one additional Assistant Animal Services Officer"

Lieutenant David Main reported that since 1967, there have been only two full-time employees at the Animal Shelter. The only additional staff hired since that time have been two part-time employees. He stated that funds for the requested additional Assistant Animal Services Officer would be obtained from the Police operating budget.

In response to Council Member Hitchcock, Terry Arbuckle, Animal Services Officer, stated that the cat overpopulation problem is due to animal owners who are not educated regarding the importance of spaying and neutering their pets. California Veterinary Medical Association offers free spay and neutering of feral cats, and Animal Friends Connection offers \$20 vouchers toward the surgery. The Shelter typically has between 10 to 30 cats each day.



Council Member Hitchcock suggested placing informational notices in utility bill inserts regarding the importance of altering pets to control overpopulation, and the programs offered by the Animal Shelter.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Nakanishi second, unanimously adopted Resolution No. 2000-204 approving the hiring of one additional full-time Assistant Animal Services Officer.

- H-6 "Approve plans and specifications and authorize advertisement for bids for Fire Station No. 4, 180 North Lower Sacramento Road"

Public Works Director Prima reported that a series of meetings have taken place with Fire Department staff to review the designs for Fire Station No. 4. Costs will be split between Fire impact fees and Water Utility because there is a water well on the site.

Council Member Pennino stated that staff should look at obtaining energy efficient rebates from the public benefits program for this project.

Brian Jungeblut, Vice President of the Fire Union, Lodi, reported that the City currently has three engines and one truck company. When Fire Station No. 4 is complete they will use an engine company from Station No. 1. He asked that the Council consider fully staffing Station No. 4, rather than taking an engine company from Station No. 1. A self-assessment plan indicated that a single residential structure fire required 15 firefighters. If Station No. 4 was fully staffed, it would give the Fire Department the needed 15 firefighters.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously approved the plans and specifications for Fire Station No. 4, 180 North Lower Sacramento Road, and authorized advertising for bids.

- E-7 "Adopt resolution awarding the contract for Legion Park and Lawrence Park Tree Trimming to Grover Landscape Services, Inc. (\$40,210); and appropriate \$52,900 for the project"

Council Member Hitchcock asked for an explanation of the difference between the bid price and the amount requested to be appropriated.

Deputy City Manager Keeter explained that this project was originally estimated two years ago and there may be additional trees now that need to be trimmed. There are 170 trees involved in the project and many have limbs, which overhang into backyards.

Council Member Hitchcock asked why True Green Land Care was considered non-responsive. Ms. Keeter replied that they did not provide references.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously adopted Resolution No. 2000-205 awarding the contract for Legion Park and Lawrence Park Tree Trimming to Grover Landscape Services, Inc., of Modesto, in the amount of \$40,208; and appropriated \$52,900 for the project.

- E-8 "Adopt resolution awarding the contract for the Elm Street Parking Lot Project, 11, 15 and 17 West Elm Street, to A.M. Stephens Construction Company, Inc. (\$133,080)"

Council Member Hitchcock asked why Electric Utility will be providing funding on this project.

Deputy City Manager Keeter explained that in addition to light standards, part of the infrastructure of the parking lot will include lighting for the Elm Street project.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 2000-206 awarding the contract for Elm Street Parking Lot Project, 11, 15 and 17 West Elm Street, to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$133,082.50; and appropriated funds in accordance with staff recommendation.

- E-13 "Accept improvements under contract for Well 26 Well Drilling, 1020 Bridgetowne Drive"

In reply to Council Member Hitchcock, Public Works Director Prima explained that the plumbness and alignment criteria for the well project is necessary because if the alignment is off substantially a more expensive pump may have to be used, or it may cause premature wear. If the alignment were critically off the well would have to be redone.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously accepted the improvements under the "Well 26 Well Drilling, 1020 Bridgetowne Drive" contract.

- E-15 "Adopt resolution authorizing the City Manager to execute the revised agreement between the City of Lodi and the County of San Joaquin, acting on behalf of the Sunnyside Water and Street Lighting Maintenance District, for water service outside the City limits"

In response to Council Member Hitchcock, City Attorney Hays reported that the County modified the agreement to meet the requirements for the grant that they received from the Federal government.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 2000-207 authorizing the City Manager to execute the revised agreement between the City of Lodi and the County of San Joaquin, acting on behalf of the Sunnyside Water and Street Lighting Maintenance District, for water service outside the City limits.

- E-17 "Authorize the City Manager to fund request for North San Joaquin Water Conservation District (NSJWCD) for water rights activities (\$21,000)"

In response to questions by Council Member Hitchcock, Fred Weybret, President of the North San Joaquin Water Conservation District (NSJWCD), 1520 Edgewood Drive, Lodi, reported that the District represents Lodi, and the area east, to Lockeford, and north across the Mokelumne River into north San Joaquin County where they have irrigation facilities and provide surface water in surplus wet years. The District has never had the benefit of a firm water supply due to a decision by the State Water Resources Control Board to grant major significant rights on the Mokelumne River to EBMUD. They informed north San Joaquin County (including Lodi) that supplemental water would come "in due time" through the Folsom south canal. He stated that that has never materialized. The District has been able to have a 20,000 acre foot interim water right in surplus years which they use to operate their facility to deliver water to portions of the agricultural community. That right expires at the end of this year. Given the problems that there are on the Mokelumne as a result of the Bay Delta decisions and the agreement that EBMUD has filed (to supply additional water for fishing and environmental purposes) the District had to take action to protect themselves against both the terms of that agreement and to get an extension on the permit. This additional water would be used to continue to serve

the farming areas of Lodi and also provides an opportunity to discuss possibilities of conjunctive use projects with EBMUD and the City of Lodi.

Mr. Weybret stated that the District's funds are limited, as they have very little taxing authority. The District is funding the defense they will make in the litigation that has been filed in conjunction with the Bay Delta decision; however, they need financial assistance to help get the 20,000 acre foot water right extended past the end of the year.

In reply to Council Member Hitchcock, Mr. Weybret explained that EBMUD has the majority of the water right on the Mokelumne River and it is incumbent upon the District to work with them. Mr. Weybret reported that the water table has been going down over the last 50 years and it is imperative that action be taken. He stated that there is a great opportunity in San Joaquin to utilize the aquifer under the county as a water storage facility.

Council Member Land expressed support for partnering with NSJWCD. He suggested that Ms. Hitchcock read the Water Degree of 1932 as background on this issue and noted that there is a San Joaquin Water Advisory Commission vacancy which he encouraged her to participate in.

Council Member Pennino voiced support for this funding request; however, he stated that he would be opposed to continually providing financial assistance.

Mayor Pro Tempore Nakanishi pointed out that Lodi's water is from wells only. For a long-range plan, Lodi must look for surface water and partner with NSJWCD.

Mayor Mann disagreed with Council Member Pennino's statement regarding funding. He stated that due to the critical nature of the water supply, Lodi will have no choice, but to continue providing financial assistance to protect its interests. In the long term, Lodi must develop surface water supplies.

Council Member Pennino clarified that he feels financial assistance should be provided by others as well, not solely by the City of Lodi.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously authorized the City Manager to grant up to \$21,000 to the NSJWCD for financial support for water rights activities.

- E-18 "Authorize City Manager to execute an agreement with WhyteHouse Productions for the Lodi New Year's Night 2000 (\$15,000)"

Council Member Hitchcock noted that the Rotary Club is participating in the New Year's Night 2000 event, and suggested that other service groups be offered an opportunity to participate.

Dorean Rice replied that sufficient assistance is being provided. There is no need for additional participation.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously authorized the City Manager to execute an agreement with WhyteHouse Productions for the Lodi New Year's Night 2000, which is scheduled for December 31, 2000 from 4:00 p.m. to 7:30 p.m.

E-23 "Authorization for Lodi Police to participate in a Traffic Safety Initiative Grant"

Council Member Hitchcock asked for a more detailed report on statistics related to this item.

Sergeant J.P. Badell stated that in addition to more enforcement, the Police Department will work closely with traffic engineering, and provide more education to the public. He stated that a more detailed report on the statistics can be provided to Council within the next couple of weeks.

Council Member Pennino commented that he too was concerned about the statistics and had asked staff this afternoon to schedule the issue for discussion at a future Shirtsleeve meeting.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Nakanishi second, unanimously adopted Resolution No. 2000-208 authorizing the Lodi Police Department to participate in a Traffic Safety Initiative Grant funded by the Office of Traffic Safety.

E-24 "Introduce Ordinance amending Title 10 – Vehicles and Traffic, by repealing and reenacting Section 10.52.050(B), 'Parking Restrictions', to the Lodi Municipal Code relating to truck parking in the City limits"

In response to questions by Council Member Hitchcock, Public Works Director Prima reported that the Flying J does offer truck parking, but it is not intended to be a storage or long-term parking facility. In response to complaints, Public Works has installed a certain amount of no-parking signs and changed some of the designations of where parking is allowed.

Council Member Hitchcock stated that as long as truck parking is allowed in the City, there is no incentive to build a parking facility. She made a motion to enact the ordinance for a period of one year (rather than two). The motion died for lack of a second.

PUBLIC COMMENTS:

- a) Ron Coale, Local Government Consultant with California Trucking Association, spoke in support of the ordinance. He reported that approximately 2 million trucks are registered in California and 1.4 million are on the highway at any given time. Currently, there are a very limited number of places for trucks to park.

Council Member Pennino suggested that staff look into the possibility of a public/private truck parking lot working with trucking associations, Council of Governments, and Caltrans.

Council Member Land noted that a Texaco gas station four miles north of Lodi now has a paved parking lot that accommodates approximately 20 trucks.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Nakanishi second, introduced Ordinance No. 1697 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 10 – Vehicles And Traffic By Repealing And Reenacting Section 10.52.050-(B) 'Parking Restrictions', To The Lodi Municipal Code Relating To Truck Parking". The motion carried by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mayor Mann  
Noes: Council Members – Hitchcock  
Absent: Council Members – None

RECESS

At 9:47 p.m., Mayor Mann called for a recess and the City Council meeting reconvened at 9:58 p.m.

H. REGULAR CALENDAR (Continued)

H-4 "Adopt resolution affirming benefits provided to City Council Members"

City Manager Flynn stated that a report was received by the Grand Jury last week making certain recommendations, one of which was for the Council to approve benefits that are in place now administratively to the City Council. He read the list of benefits as outlined in the Executive Management Statement of Benefits. He noted that if the Council approves these benefits, they will be optional. Any member of the Council who feels they are inappropriate can refuse to accept them.

Council Member Pennino pointed out that Mr. Flynn stated "tuition reimbursement" in the benefits that he read. Three months ago the Council voted to remove tuition reimbursement from Council benefits.

Mr. Flynn stated that tuition reimbursement will not be included in the Council benefits.

MOTION:

Council Member Pennino made a motion, Land second, to adopt Resolution No. 2000-211 affirming the benefits currently being provided to City Council Members, with the exclusion of tuition reimbursement.

DISCUSSION:

Council Member Hitchcock stated that the resolution should not be linked to the Executive Management Statement of Benefits. She asked for clarification on the term "employee development".

City Attorney Hays stated that the resolution could be modified to contain a schedule of benefits without reference to the Executive Management Statement of Benefits exhibit. He explained that employee development refers to seminars and suggested for purposes of clarity, that following "employee development" a statement be placed in parenthesis noting that it does not include tuition reimbursement. He stated that the Government Code indicates that the City can treat the cost of travel for Council Members to do City business, as a legitimate expense.

Council Member Hitchcock stated that she would like "executive physicals" removed from City Council benefits.

Mayor Pro Tempore Nakanishi commented that he did not come to the Council with the intention of getting benefits. They have, however, been extended to the Council since 1988, and he will comply with the Grand Jury's recommendation and formally approve them.

Council Member Pennino pointed out that the Public Employees Retirement (PERS) benefit states "2% at 55 after 12 years" and noted that few Council Members will serve for 12 years or more.

City Manager Flynn stated that it will be changed to reflect a general statement that the City Council is entitled to PERS retirement. This will eliminate the need to update the resolution each time amendments to percentages and ages are made in the future.

Council Member Pennino noted that page 8 of the Executive Management Statement of Benefits manual needs to be updated to reflect the current 3% at 50 and 2% at 55.

City Manager Flynn asked Council Member Hitchcock to explain what documents she was referring to when she was quoted in the newspaper recently saying that the City Manager did not give all the information to the Grand Jury that they needed to draw their conclusion.

Council Member Hitchcock replied that the Administrative Policy and Procedure Manual specifically states that eligibility for tuition reimbursement is limited to full-time regular employees. The Rules for Personnel Administration defines what a full-time regular employee is and indicates that it does not include Council Members. Neither of these documents was included in what was forwarded to the Grand Jury according to the copies the City Manager sent to Council Members. Further, she noted that there is nothing that shows benefits have been extended to Council Members since 1988, other than medical benefits.

City Manager Flynn stated that both of the documents cited by Ms. Hitchcock were included in what he took to the Grand Jury.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mayor Mann

Noes: Council Members – Hitchcock

Absent: Council Members – None

- H-5 “Approve plans and specifications and authorize advertisement for bids for Lower Sacramento Road Utilities, Kettleman Lane to Turner Road”

Public Works Director Prima reported that this request is closely related to the Lower Sacramento Road project. Utility work needs to be done in conjunction with a road widening and reconstruction project that is out to bid. It was not included in the original project because it is a separate type of work.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Land second, unanimously approved the plans and specifications for Lower Sacramento Road Utilities, Kettleman Lane to Turner Road, and authorized advertising for bids.

- H-7 “Adopt resolution awarding the contract for Lodi Lake Bicycle/Pedestrian Corridor Project (Phase I), 1101 West Turner Road, to A.M. Stephens Construction Company, Inc. (\$731,270); and appropriate \$775,000 for the project”

Deputy City Manager Keeter reported that this project consists of: demolition of the wall along Turner Road; an asphalt trail meandering along the berm on Turner Road; landscaping on the Turner Road side of the berm with turf on the beach side; a cement pathway meandering along the beach; decorative wrought iron fence along the beach area to replace the cyclone fence; a shade structure on the overlook area to accommodate up to 40 individuals; expansion of the beach area by 35 feet; landscaping and lighting. All the existing trees will remain in place and 65 new trees will be added in Phase I of this project. A.M. Stephens anticipates the project will take approximately three and a half months to complete.

Council Member Pennino commended staff for excellent utilization of outside dollars on this project. He noted that only 15% is coming from City dollars out of impact fees, the remaining costs are coming from the State allocation, Measure K, and the Transportation Development Act.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously adopted Resolution No. 2000-212 awarding the contract for Lodi Lake Bicycle/Pedestrian Corridor Project (Phase I), 1101 West Turner Road, to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$731,268.75; and appropriated funds in accordance with staff recommendation.

- H-8 "Authorize City Manager to execute a professional services agreement with West Yost & Associates for engineering services to perform pilot testing to determine the feasibility of percolation treatment/disposal of effluent; and appropriate \$114,500 for the project"

Public Works Director Prima reported that Items H-8 and H-9 are closely related to the White Slough Water Pollution Control Facility. Land discharge is being recommended by the State for a lot of applications, and, in order to do that during the winter, water must be percolated. The pilot testing is designed to help determine how much land will be necessary to do this. He commented that a public meeting was held at the Carnegie Forum on this subject a few weeks ago.

In response to Mayor Pro Tempore Nakanishi, Mr. Prima stated that staff did not ask for new proposals from other firms to do this work. Staff has worked with West Yost & Associates for two years developing the master plan and Mr. Prima felt that it was inconceivable any other firm could learn all the background, do the research, and put together these two elements at a lower cost with the same quality of work that West Yost & Associates has provided. He added that engineering firms are currently all very busy.

In answer to questions by Council Member Hitchcock, Mr. Prima explained that the City has two fundamental choices: 1) keep treating the water to a higher standard and discharging it to the Delta; or, 2) consider the alternative that involves land disposal and possibly some minor discharge to the Delta. There is a sizable balance in the Wastewater Fund. Any of the alternatives would cost over \$30 million. The annual cost estimate is approximately \$4 million and the Sewer Fund takes in just over \$3 million per year.

MOTION:

Council Member Pennino made a motion, Hitchcock second, to authorize the City Manager to execute a professional services agreement with West Yost & Associates for engineering services to perform a pilot test to determine the feasibility of percolation treatment/disposal of treated effluent from the White Slough Water Pollution Control Facility (WSWPCF); and appropriated \$114,500 for the project in accordance with staff recommendation.

DISCUSSION:

City Manager Flynn stated that there would not necessarily be rate increases. Discussion of project costs at this time is premature, and purely speculation. Financial assistance could come from projects with Calpine, Enron, or from State and Federal grants, or the Habitat Open Space Mitigation Plan.

VOTE:

The above motion carried unanimously.

- H-9 "Authorize City Manager to execute a professional services agreement with West Yost & Associates for engineering services to prepare a report to request alternative waste discharge requirements; and appropriate \$69,000 for the project"

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously authorized the City Manager to execute a professional services agreement with West Yost & Associates for engineering services to prepare a report to request alternative discharge requirements for the White Slough Water Pollution Control Facility (WSWPCF); and appropriate \$69,000 for the project in accordance with staff recommendation.

- H-10 "Authorize the transfer of funds for additional work on the Electric Utility Substructures, Turner Road/McLane Substation Contract (\$195,000)"

Deputy City Manager Keeter reported that during construction the contractor encountered unforeseen circumstances, which significantly added to the cost of this project. These circumstances included discovery of a buried septic tank, house foundation, tree trunks, unmarked utilities, cave-ins due to the subgrade of parts of Turner Road, and additional excavations.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-213 authorizing the transfer of \$195,000 for additional work on the Electric Utility Substructures, Turner Road/McLane Substation contract from the Electric Utility Department's budgeted capital to the project specific accounts.

VOTE TO CONTINUE WITH REMAINDER OF MEETING

The City Council, on motion of Council Member Pennino, Hitchcock second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Nakanishi, Pennino and Mayor Mann

Noes: Council Members – Land

Absent: Council Members – None

REGULAR CALENDAR (Continued)

- H-11 "Authorize construction of a 60kV transmission line from Industrial Substation to Harney Lane, acquisition of easements, and procurement of materials (\$350,000)"

NOTE: Due to a potential conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.

Electric Utility Director Vallow reported that to remove the electrical facilities that are currently on Cherokee Lane several things have to happen simultaneously. It involves more than one project and the relocation of more than one facility. Electric Utility took the initiative to acquire right-of-way and build the line, which will allow PG&E to move their facilities over to the new corridor that runs along the Californian Traction right of way. In the event negotiations are unsuccessful, the facilities will not be moved initially, but the line will be needed eventually.

City Manager Flynn explained that this project allows for the possibility of removing all the unsightly electric lines that hang out over Cherokee Lane.



MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, adopted Resolution No. 2000-214 authorizing the transfer of funds to procure materials, acquire easements and for associated construction costs for a 60kV line from Industrial Substation to Harney Lane; and authorize the Purchasing Officer to advertise for the bidding of materials. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Mayor Mann  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – Pennino

H-12 “Adopt resolution approving no-parking zones on Ham Lane, from 230 feet south of Cardinal Street to Vine Street, to accommodate the installation of a continuous two-way, left-turn lane” was ***pulled from the agenda pursuant to staff’s request.***

H-13 “Adopt resolution approving no-parking zones on Guild Avenue at Industrial Way and Lodi Avenue”

Public Works Director Prima reported that due to a reverse curb it is necessary to restrict parking to allow sight distance along Guild Avenue and Industrial Way.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-215 approving the installation of no-parking zones on Guild Avenue at Industrial Way and at Lodi Avenue.

I. ORDINANCES

None.

J. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Pennino recalled that a year ago he recommended that staff take a look at combining all the lifeguard duties under either Hutchins Street Square, Lodi Lake, or Blakely Pool.

City Manager Flynn replied that he will report back on this issue.

Council Member Pennino announced that the Habitat Open Space Mitigation Plan for San Joaquin County, which began in 1994, received final approval today from Fish and Game, Fish and Wildlife. It mitigates the endangered species and provides a mitigation form for future developments. He pointed out that White Slough has an endangered species – the giant garter snake.

- Council Member Land stated that the street at the 1800 block of West Walnut Street between Loma and South Mills is in poor condition and asked when it will be repaved.

Public Works Director Prima reported that consultants are currently in the process of re-rating all of the City streets with new software, and staff will be coming back to Council with a revamped street maintenance program with the next budget.

Council Member Land announced that the City now offers direct payment for City bills.

*Continued November 15, 2000*

- Mayor Pro Tempore Nakanishi congratulated Keith Land and Emily Howard on being elected as Council Members in the November 7 election. He thanked Bob Johnson for his efforts, and stated that he has found Steve Mann to be a man of honor and has his deepest respect.
- Council Member Hitchcock stated that Transportation Director Carlos Tobar has worked very diligently in helping the school district obtain funding. She also reported that trucks parked along Business Park Drive make it difficult for cars to pass through.

L. CLOSED SESSION

None.

M. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

None.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:10 p.m.

ATTEST:

Susan J. Blackston  
City Clerk